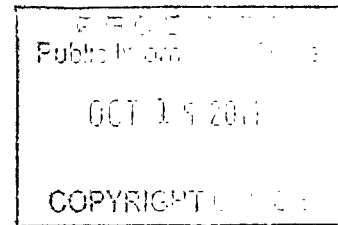


Before the  
**COPYRIGHT ROYALTY JUDGES**  
Washington, D.C.



\_\_\_\_\_  
In the Matter of )

)  
Distribution of the 2004, 2005, 2006 )  
2007, 2008 and 2009 )  
Cable Royalty Funds )  
\_\_\_\_\_

Docket No. 2012-6 CRB CD 2004-2009  
(Phase II)

\_\_\_\_\_  
In the Matter of )

)  
Distribution of the 1999-2009 )  
Satellite Royalty Funds )  
\_\_\_\_\_

Docket No. 2012-7 CRB SD 1999-2009  
(Phase II)

**AFFIDAVIT ACCOMPANYING REDACTED RESTRICTED INFORMATION**

Pursuant to 37 C.F.R. § 350.4(e) and the July 1, 2014 Protective Orders issued in the captioned consolidated proceeding, the undersigned hereby submits this affidavit in support of the redacted version of Volume I of MPAA's Written Rebuttal Statement Regarding Claims Issues, filed with the Copyright Royalty Judges on October 15, 2014.<sup>1</sup>

The undersigned hereby represents that (i) she is authorized to submit this affidavit on behalf of the MPAA-represented Program Suppliers; (ii) she has reviewed the redactions set forth in the Redaction Log attached hereto as Exhibit 1; and (iii) to the best of her knowledge, information and belief, and based on the representations made by counsel for Independent Producers Group in connection with IPG's Responses and Follow-Up Responses to MPAA's discovery requests in these proceedings, the redacted information meets the definition of

<sup>1</sup> Volume II of MPAA's Written Rebuttal Statement Regarding Claims Issues contains no Restricted information, and therefore no redacted version of Volume II is necessary.

RESTRICTED information at the time this Affidavit was made, and good cause exists for the treatment of the information as Protected Materials.

Executed this 15th day of October, 2014, in Washington, D.C.

Lucy Holmes Plovnick  
Lucy Holmes Plovnick

## **EXHIBIT 1**

### **REDACTION LOG ACCOMPANYING MPAA'S WRITTEN REBUTTAL STATEMENT REGARDING CLAIMS ISSUES**

The portions of MPAA's Written Rebuttal Statement Regarding Claims Issues identified below contain either language quoted from documents that IPG produced to MPAA in discovery, or copies of documents that IPG produced to MPAA in discovery, which IPG designated as "RESTRICTED" documents subject to the July 1, 2014 Protective Orders in this proceeding. MPAA-represented Program Suppliers have therefore redacted the quoted language or the copies of the documents from the public version of their filing.

## **REDACTIONS**

### **VOLUME I OF II, WRITTEN OBJECTIONS AND EVIDENCE**

Table Of Contents, description of documents appearing at Tabs 10-24 and 28-30.

Written Objections, quoted text appearing on pp. 26-27, 33-34, and 36.

Olaniran Declaration, description of documents appearing at Tabs 10-24 and 28-30.

Documents appearing at Tabs 10-24, and 27-30.

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of October, 2014, in accordance with Section 350.4(h) of the Copyright Royalty Judges' regulations, a copy of the foregoing document was sent by electronic mail, with a copy sent by first class, U.S. mail, to the parties listed on the attached service list, each of whom has consented to receive electronic service of pleadings in this manner in connection with the consolidated 2004-2009 Cable Phase II proceeding and the 1999-2009 Satellite Phase II proceeding.

Lucy Holmes Plovnick  
Lucy Holmes Plovnick

## **SERVICE LIST**

### **JOINT SPORTS CLAIMANTS**

Robert Alan Garrett  
Stephen K. Marsh  
Arnold & Porter LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206

### **SETTLING DEVOTIONAL CLAIMANTS**

Clifford M. Harrington  
Matthew J. MacLean  
Pillsbury Winthrop Shaw Pittman LLP  
P.O. Box 57197  
Washington, D.C. 20036-9997

### **INDEPENDENT PRODUCERS GROUP**

Brian D. Boydston  
PICK & BOYDSTON LLP  
10786 Le Conte Avenue  
Los Angeles, CA 90024



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Washington, D.C.

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OCT 15 2014

Copyright Royalty Board

In the Matter of

## Distribution of 1999-2009 Satellite Royalty Funds

Docket No. 2012-7 CRB SD 1999-  
2009 (Phase II)

In the Matter of

### Distribution of the 2004, 2005, 2006, 2007, 2008, and 2009 Cable Royalty Funds

Docket No. 2012-6 CRB CD 2004-2009 (Phase II)

**INDEPENDENT PRODUCERS GROUP'S REBUTTAL STATEMENT TO  
CLAIMS ASSERTED BY MOTION PICTURE ASSOCIATION OF AMERICA**

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Counsel for Independent Producers Group

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Washington, D.C.

Copyright Royalty Board

\_\_\_\_\_  
In the Matter of )  
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Distribution of )  
1999-2009 )  
Satellite Royalty Funds )  
\_\_\_\_\_)

Docket No. 2012-7 CRB SD 1999-  
2009 (Phase 2)

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In the Matter of )  
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Distribution of the 2004, 2005, 2006, )  
2007, 2008, and 2009 Cable Royalty )  
Funds )  
\_\_\_\_\_)

Docket No. 2012-6 CRB CD 2004-  
2009 (Phase II)

**INDEPENDENT PRODUCERS GROUP'S REBUTTAL STATEMENT TO  
CLAIMS ASSERTED BY SETTLING DEVOTIONAL CLAIMANTS**

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Counsel for Independent Producers Group

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Before the  
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In the Matter of )  
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Distribution of the 2004, 2005, 2006, )  
2007, 2008, and 2009 Cable Royalty )  
Funds )

Docket No. 2012-6 CRB CD 2004-  
2009 (Phase II)

**INDEPENDENT PRODUCERS GROUP'S REBUTTAL STATEMENT TO  
CLAIMS ASSERTED BY SETTLING DEVOTIONAL CLAIMANTS**

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(213) 624-1996  
brianb@ix.netcom.com

Counsel for Independent Producers Group

## ARGUMENT

### A. THE SETTLING DEVOTIONAL CLAIMANTS ATTEMPT TO INCLUDE THE CLAIMS OF ENTITIES THAT HAVE WITHDRAWN FROM THESE PROCEEDINGS.

In the course of these proceedings, claimants were required to file royalty claims for the preceding year during the month of July.<sup>1</sup> Claimants were further required to respond to *Federal Register* notices soliciting Petitions to Participate, which were required to be filed no later than September 16, 2013. *See* 78 Fed. Reg. 50113, 50114 (Aug. 13, 2013).<sup>2</sup>

In the Devotional Programming category, multiple claimants filed Petitions to Participate either individually, through their agents, or as a consortium, including Worldwide Subsidy Group LLC dba Independent Producers Group (“IPG”), the Settling Devotional Claimants (“SDC”),<sup>3</sup> the National Association of Broadcasters (“NAB”; cable only), the Broadcast Claimants Group (“BCG”; satellite only), Billy Graham Evangelistic Association (“BGEA”), and Word of God Fellowship dba Daystar Television Network (“Daystar”).

---

<sup>1</sup> 17 U.S.C. § 111(d)(4)(A); 17 U.S.C. § 119(b)(5)(A).

<sup>2</sup> Previously issued Federal Register notices relating to these proceedings prior to their consolidation uniformly stated that:

“The [CRB] must be advised of the existence and extent of all Phase I and Phase II controversies by the end of the comment period. *It will not consider any controversies that come to its attention after the close of that period.*” (emphasis added).

<sup>3</sup> Although appearing as a single entity, the SDC does not hold itself out as an agent of claimants, but rather a consortium of multiple claimants, represented jointly by legal counsel. The identity of the thirty (30) SDC claimants appears in the SDC’s Petitions to Participate, at footnote 1.

Pursuant to the case scheduling orders issued on September 23, 2013, the participating entities were to inform the Judges of any existing settlements no later than January 2, 2014. In response thereto, on January 2, 2014, the SDC reported existing or anticipated settlements with the NAB, BCG, BGEA, and Daystar, and the impending notices of withdrawal to be filed by those parties.<sup>4</sup> The NAB and BCG similarly confirmed their settlement of claims.<sup>5</sup> Expectedly, at various times thereafter, NAB, BCG, BGEA, and Daystar each filed their respective Notices of Withdrawal of their respective Petitions to Participate in these cable and satellite proceedings.<sup>6</sup>

Notwithstanding, within the SDC's Written Direct Statements, filed on May 9, 2014, the SDC identified both BGEA and Daystar as part of its consortium,<sup>7</sup> and have included the programming of such entities as part of the SDC's asserted collective claim.<sup>8</sup> Such inclusion flies in the face of the previous filings, which unqualifiedly withdrew the Petitions to Participate filed by BGEA and Daystar. *See, e.g.*, Exhs. 7, 8 ("Daystar relinquishes all of its interests in the 2004-2009 Funds."); Exhs. 9, 10 ("No further controversy needs to be resolved with respect to the BGEA's claims."). Moreover, anticipating an argument by the SDC that its settlement with BGEA and Daystar somehow allowed for the claims and programming of BGEA and Daystar to be folded

---

<sup>4</sup> *See* **Exhs. 1-2.**

<sup>5</sup> *See* **Exhs. 3-4.**

<sup>6</sup> *See* **Exhs. 5-10.**

<sup>7</sup> *See* footnote 1 to SDC Written Direct Statements, filed May 9, 2014, wherein BGEA and Daystar are added to identified claimants.


<sup>8</sup> Notably, the SDC did not identify the claims of either BGEA or Daystar as part of its response, amended or otherwise, to the Judges' order requiring a more specific statement of the represented claims.

into the collective claim of the SDC, which consortium filed separate Petitions to Participate that did not include BGEA or Daystar, no such agreement was identified by the SDC as part of its Written Direct Statement, or produced to IPG in discovery.

### CONCLUSION

For the reasons set forth above, the claimant and program claims of BGEA and Daystar, purported to be part of the SDC, must be dismissed.

Dated: October 14, 2014

  
\_\_\_\_\_  
Brian D. Boydston, Esq.  
California State Bar No. 155614

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10786 Le Conte Ave.  
Los Angeles, California 90024  
Telephone: (213) 624-1996  
Facsimile: (213) 624-9073  
Email: brianb@ix.netcom.com

Attorneys for Independent Producers  
Group

## CERTIFICATE OF SERVICE

I hereby certify that on this 14 day of October, 2014, a copy of the foregoing was sent by electronic mail and regular mail mail to the parties listed on the attached Service List.

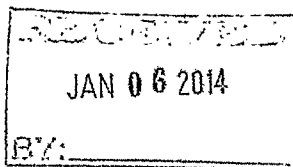
---

Brian D. Boydston, Esq.

### SETTLING DEVOTIONAL CLAIMANTS:

Clifford M. Harrington  
Matthew MacLean  
Pillsbury, Winthrop, et al.  
P.O. Box 57197  
Washington, D.C. 20036-9997





Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

In the Matters of )

Phase II Distribution of the 2004, )  
2005, 2006, 2007, 2008 and 2009 )  
Cable Royalty Funds )

Docket No. 2012-6  
CRB CD 2004-2009 (Phase II)

**SETTLING DEVOTIONAL CLAIMANTS' NOTICE OF SETTLEMENTS AND OF  
CONTROVERSIES**

Pursuant to the Copyright Royalty Judges' Notice of Participants, Commencement of Voluntary Negotiation Period and Case Scheduling Order issued in the 2004-09 Cable Royalty Distribution Proceeding, the Settling Devotional Claimants<sup>1</sup> (the "SDC") hereby notify the Copyright Royalty Judges that they have reached agreement in principle to settle the claims of National Association of Broadcasters ("NAB") and Word of God Fellowship, Inc., d/b/a Daystar Television Network ("Daystar") with respect to this proceeding. The SDC anticipate that NAB and Daystar will file petitions to withdraw their separate petitions to participate once the settlement agreements are fully executed.

<sup>1</sup> The Settling Devotional Claimants are comprised of the following entities: Amazing Facts, Inc., American Religious Town Hall, Inc., Catholic Communications Corporation, Christian Television Network, Inc., The Christian Broadcasting Network, Inc., Coral Ridge Ministries Media, Inc., Cottonwood Christian Center, Crenshaw Christian Center, Crystal Cathedral Ministries, Inc., Evangelical Lutheran Church In America, Faith For Today, Inc., Family Worship Center Church, Inc. (D/B/A Jimmy Swaggart Ministries), International Fellowship of Christians & Jews, Inc., In Touch Ministries, Inc., It Is Written, John Hagee Ministries, Inc. (aka Global Evangelism Television), Joyce Meyer Ministries, Inc. (F/K/A Life In The Word, Inc.), Kerry Shook Ministries (aka Fellowship of the Woodlands), Lakewood Church (aka Joel Osteen Ministries), Liberty Broadcasting Network, Inc., Messianic Vision, Inc., New Psalmist Baptist Church, Oral Roberts Evangelistic Association, Inc., RBC Ministries, Reginald B. Cherry Ministries, Rhema Bible Church (aka Kenneth Hagin Ministries), Ron Phillips Ministries, Speak The Word Church International, St. Ann's Media, The Potter's House Of Dallas, Inc. (d/b/a T.D. Jakes Ministries), and Zola Levitt Ministries.

The SDC also advise that they anticipate reaching an agreement to settle the claims of Billy Graham Evangelistic Association ("BGEA") for 2004-2008, although the details of that settlement are still being negotiated. When such settlement is finalized, the SDC anticipate that BGEA will also withdraw its separate petition to participate.

Daystar has authorized the SDC to advise the CRB of its position concerning this matter. NAB and BGEA have also consented to the SDC's representations herein, but they will file separate Notices with the Judges.

As regards the claims of Independent Producers Group ("IPG"), no settlement has been negotiated and a controversy exists. The SDC believe that a Phase II proceeding will be required with respect to IPG's claims. The SDC's claims for the years in question were identified by claim numbers in the SDC's "Second Amended More Specific Statement of 2004-2009 Cable Claims," filed November 5, 2013. The claims of the IPG-represented claimants for the years in question were identified by claim numbers in IPG's "Second Amended More Specific Statement - Cable" filed November 8, 2013. The primary legal and factual issues that the SDC intend to submit to the Judges are as follows: (1) whether IPG has authority to represent the copyright owners that it has claimed, including whether IPG is qualified to act as an agent in this proceeding; (2) whether one or more claims asserted by IPG are valid; and (3) the relative valuation of the SDC's claims versus the claims of the IPG-represented claimants. Although the value of each contested claim in dispute is not known, the SDC and IPG have not agreed that any particular claim is worth less than \$10,000.

Respectfully submitted,

**SETTLING DEVOTIONAL CLAIMANTS**

*Clifford M. Harrington/VNL*

Clifford M. Harrington (D.C. Bar No. 218107)

Matthew J. MacLean (D.C. Bar No. 479257)

Victoria N. Lynch (D.C. Bar No. 1001445)

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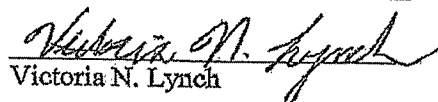
*Counsel for Settling Devotional Claimants*

January 2, 2014

### CERTIFICATE OF SERVICE

I, Victoria N. Lynch, hereby certify that a copy of the foregoing "SETTLING DEVOTIONAL CLAIMANTS' NOTICE OF SETTLEMENTS AND OF CONTROVERSIES" was sent by overnight delivery via Federal Express, and electronically, this 2<sup>nd</sup> day of January, 2014 to the following:

INDEPENDENT PRODUCERS GROUP Brian D. Boydston Pick & Boydston, LLP 10786 Le Conte Avenue Los Angeles, CA 90024 <a href="mailto:brianb@ix.netcom.com">brianb@ix.netcom.com</a>	PROGRAM SUPPLIERS Gregory O. Olaniran Lucy Holmes Plovnick Mitchell Silberberg & Knapp LLP 1818 N Street, NW 8 <sup>th</sup> Floor Washington, DC 20036 <a href="mailto:goo@msk.com">goo@msk.com</a> <a href="mailto:lh@msk.com">lh@msk.com</a>
JOINT SPORTS CLAIMANTS Robert Alan Garrett Stephen K. Marsh Arnold & Porter LLP 555 Twelfth Street, NW Washington, DC 20004-1206 <a href="mailto:Robert.garrett@aporter.com">Robert.garrett@aporter.com</a> <a href="mailto:Stephen.marsh@aporter.com">Stephen.marsh@aporter.com</a>	BILLY GRAHAM EVANGELISTIC ASSOCIATION Edward S. Hammerman Hammerman PLLC d/b/a Intermediary Copyright Royalty Services 5335 Wisconsin Ave. N.W., Suite 440 Washington, D.C. 20015-2054 <a href="mailto:ted@copyrightroyalties.com">ted@copyrightroyalties.com</a> <a href="mailto:jarnot@bgea.org">jarnot@bgea.org</a>
NATIONAL ASSOCIATION OF BROADCASTERS John I. Stewart, Jr. Jennifer H. Burdman Ann Mace Crowell & Moring LLP 1001 Pennsylvania Ave., NW Washington, D.C. 20004 <a href="mailto:jstewart@crowell.com">jstewart@crowell.com</a>	DAVID POWELL David Powell, <i>pro se</i> P.O. Box 010950 Miami, FL 33101 <a href="mailto:davidpowell008@yahoo.com">davidpowell008@yahoo.com</a>
WORD OF GOD FELLOWSHIP D/B/A DAYSTAR TELEVISION NETWORK Gregory H. Guillot Gregory H. Guillot, P.C. 13455 Noel Road, #1000 Dallas, TX 75240 <a href="mailto:gregory@guillot-law.com">gregory@guillot-law.com</a> <a href="mailto:arnold.torres@daytar.com">arnold.torres@daytar.com</a>	

  
Victoria N. Lynch



Before the  
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Washington, D.C.

In the Matter of )  
)  
)

Phase II Distribution of the 1999, )  
2000, 2001, 2002, 2003, 2004, 2005 )  
2006, 2007, 2008, 2009 Satellite )  
Royalty Funds )

Docket Nos. 2012-7  
CRB SD 2000-2009;  
2008-8 CRB SD 1999-2000  
(Phase II)

**SETTLING DEVOTIONAL CLAIMANTS' NOTICE OF SETTLEMENTS AND OF  
CONTROVERSIES**

Pursuant to the Copyright Royalty Judges' Notice of Participants, Commencement of Voluntary Negotiation Period and Case Scheduling Order issued in the 1999-2009 Satellite Royalty Distribution Proceeding, the Settling Devotional Claimants<sup>1</sup> (the "SDC") hereby notify the Copyright Royalty Judges that they have reached agreement in principle to settle the claims of Broadcaster Claimants Group ("BCG") and Word of God Fellowship, Inc., d/b/a Daystar Television Network ("Daystar") with respect to this proceeding. The SDC anticipate that BCG and Daystar will file petitions to withdraw their separate petitions to participate once the settlement agreements are fully executed.

---

<sup>1</sup> The Settling Devotional Claimants are comprised of the following entities: Amazing Facts, Inc., American Religious Town Hall, Inc., Catholic Communications Corporation, Christian Television Network, Inc., The Christian Broadcasting Network, Inc., Coral Ridge Ministries Media, Inc., Cottonwood Christian Center, Crenshaw Christian Center, Crystal Cathedral Ministries, Inc., Evangelical Lutheran Church In America, Faith For Today, Inc., Family Worship Center Church, Inc. (D/B/A Jimmy Swaggart Ministries), In Touch Ministries, Inc., It Is Written, John Hagee Ministries, Inc. (aka Global Evangelism Television), Joyce Meyer Ministries, Inc. (F/K/A Life In The Word, Inc.), Kerry Shook Ministries (aka Fellowship of the Woodlands), Lakewood Church (aka Joel Osteen Ministries), Liberty Broadcasting Network, Inc., Messianic Vision, Inc., New Psalmist Baptist Church, Oral Roberts Evangelistic Association, Inc., RBC Ministries, Reginald B. Cherry Ministries, Rhema Bible Church (aka Kenneth Hagin Ministries), Ron Phillips Ministries, Speak The Word Church International, St. Ann's Media, The Potter's House Of Dallas, Inc. (d/b/a T.D. Jakes Ministries), and Zola Levitt Ministries.

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Daystar has authorized the SDC to advise the CRB of its position concerning this matter. BCG and BGEA have also consented to the SDC's representations herein, but they will file separate Notices with the Judges.

As regards the claims of Independent Producers Group ("IPG"), no settlement has been negotiated and a controversy exists. The SDC believe that a Phase II proceeding will be required with respect to IPG's claims. The SDC's claims for the years in question were identified by claim numbers in the SDC's "Second Amended More Specific Statement of 1999-2009 Satellite Claims," filed November 5, 2013. The claims of the IPG-represented claimants for the years in question were identified by claim numbers in IPG's "Second Amended More Specific Statement - Satellite" filed November 8, 2013. The primary legal and factual issues that the SDC intend to submit to the Judges are as follows: (1) whether IPG has authority to represent the copyright owners that it has claimed, including whether IPG is qualified to act as an agent in this proceeding; (2) whether one or more claims asserted by IPG are valid; and (3) the relative valuation of the SDC's claims versus the claims of the IPG-represented claimants. Although the value of each contested claim in dispute is not known, the SDC and IPG have not agreed that any particular claim is worth less than \$10,000.

Respectfully submitted,

**SETTLING DEVOTIONAL CLAIMANTS**

*Clifford M. Harrington / V.M.L.*  
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Matthew J. MacLean (D.C. Bar No. 479257)

Victoria N. Lynch (D.C. Bar No. 1001445)

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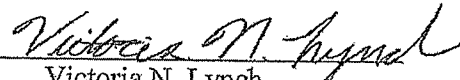
*Counsel for Settling Devotional Claimants*

January 2, 2014

### CERTIFICATE OF SERVICE

I, Victoria N. Lynch, hereby certify that a copy of the foregoing "SETTLING DEVOTIONAL CLAIMANTS' NOTICE OF SETTLEMENTS AND OF CONTROVERSIES" was sent by overnight delivery via Federal Express, and electronically, this 2<sup>nd</sup> day of January, 2014 to the following:

INDEPENDENT PRODUCERS GROUP Brian D. Boydston Pick & Boydston, LLP 10786 Le Conte Avenue Los Angeles, CA 90024 <a href="mailto:brianb@ix.netcom.com">brianb@ix.netcom.com</a>	PROGRAM SUPPLIERS Gregory O. Olaniran Lucy Holmes Plovnick Mitchell Silberberg & Knupp LLP 1818 N Street, NW 8 <sup>th</sup> Floor Washington, DC 20036 <a href="mailto:goo@msk.com">goo@msk.com</a> <a href="mailto:llp@msk.com">llp@msk.com</a>
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WORD OF GOD FELLOWSHIP D/B/A DAYSTAR TELEVISION NETWORK Gregory H. Guillot Gregory H. Guillot, P.C. 13455 Noel Road, #1000 Dallas, TX 75240 <a href="mailto:gregory@guillot-law.com">gregory@guillot-law.com</a> <a href="mailto:arnold.torres@daytar.com">arnold.torres@daytar.com</a>	HOME SHOPPING NETWORK, INC. AND JOINT PETITIONERS Arnold P. Lutzker Lutzker & Lutzker LLP 1233 20 <sup>th</sup> Street, NW, Suite 703 Washington, D.C. 20036 <a href="mailto:arnie@lutzker.com">arnie@lutzker.com</a>

  
Victoria N. Lynch



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In the Matter of  
Distribution of 2004, 2005, 2006, 2007,  
2008, and 2009 Cable Royalty Funds

)  
)  
) Docket No. 2012-6 CRB CD 2004-2009  
) (Phase II)  
)  
)

NATIONAL ASSOCIATION OF BROADCASTERS'  
NOTICE OF CONFIDENTIAL SETTLEMENT

The National Association of Broadcasters ("NAB") files this notice of settlement pursuant to the Judges' Scheduling Order dated September 23, 2013.

NAB, on behalf of a group of broadcaster claimants that are entitled to receive shares of the Devotional royalties for 2008 and/or 2009, has reached a confidential agreement in principle with the Settling Devotional Claimants that would completely resolve its Phase II claims in the Devotional category.

NAB will file a notice withdrawing from participation in the above-captioned Phase II distribution proceedings when the settlement is reduced to a final written agreement.

NAB has no remaining unresolved controversies with respect to NAB-represented claimants' Phase II shares of the 2004-2009 cable royalties.

Respectfully submitted,

THE NATIONAL ASSOCIATION  
OF BROADCASTERS

By: 

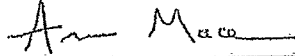
John I. Stewart, Jr. (DC Bar No. 913905)  
Jennifer H. Burdman (DC Bar No. 495555)  
Ann Mace (DC Bar No. 980845)  
Crowell & Moring LLP

1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Email: [jstewart@crowell.com](mailto:jstewart@crowell.com)  
Phone: (202) 624-2685  
Facsimile: (202) 628-5116

January 2, 2014

## CERTIFICATE OF SERVICE

I, Ann Mace, hereby certify that a true and correct copy of the foregoing "National Association of Broadcasters Notice of Confidential Settlement" was sent on January 2, 2014, to the persons on the list below, by overnight mail.



Ann Mace

### **Billy Graham Evangelistic Association**

Edward S. Hammerman  
Hammerman PLLC  
5335 Wisconsin Ave., N.W., Suite 440  
Washington, DC 20015  
ted@copyrightroyalties.com

### **Shopping Joint Petitioners**

Arnold P. Lutzker  
Lutzker & Lutzker LLP  
1233 20th Street, N.W., Suite 703  
Washington, DC 20036  
arnie@lutzker.com

### **Certain Devotional Claimants**

Clifford M. Harrington  
Matthew J. MacLean  
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### **Word of God Fellowship dba Daystar**

Television Network  
Gregory H. Guillot  
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gregory@guillot-law.com

### **Joint Sports Claimants**

Robert Alan Garrett  
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### **Worldwide Subsidy Group LLC dba**

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### **Motion Picture Association of America, Inc.**

Gregory Olaniran  
Lucy Plovnick  
Mitchell Silberberg & Knupp LLP  
1818 N Street, N.W., 8<sup>th</sup> Floor  
Washington, DC 20036

### **David Powell**

P.O. Box 010950  
Miami, FL 33101



JAN 06 2014

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In the Matter of  
Distribution of 1999, 2000, 2001, 2002,  
2003, 2004, 2005, 2006, 2007, 2008, and 2009  
Satellite Royalty Funds

) Docket Nos. 2012-7 CRB SD  
) 2000-2009; 2008-5 CRB SD  
) 1999-2000  
) (Phase II)

**BROADCASTER CLAIMANTS GROUP'S  
NOTICE OF CONFIDENTIAL SETTLEMENTS**

The Broadcaster Claimants Group ("BCG") files this notice of settlements pursuant to the Judges' Scheduling Order dated September 23, 2013.

First, BCG, on behalf of a group of broadcaster claimants that are entitled to receive shares of the Devotional royalties, has reached a confidential agreement in principle with the Settling Devotional Claimants that would completely resolve its Phase II claims in the Devotional category in this proceeding.

Second, BCG, on behalf of a group of broadcaster claimants that are entitled to receive shares of the Program Suppliers royalties, has reached a confidential agreement in principle with the MPAA-represented Program Suppliers Claimants that would completely resolve its Phase II claims in the Program Suppliers category in this proceeding.

BCG will file a notice withdrawing from participation in the above-captioned Phase II distribution proceedings when the settlements are reduced to final written agreements. BCG has no remaining unresolved controversies with respect to BCG-represented claimants' Phase II shares of the 1999-2009 satellite royalties.

Respectfully submitted,

BROADCASTER CLAIMANTS GROUP

By: 

John D. Stewart, Jr. (DC Bar No. 913905)  
Jennifer H. Burdman (DC Bar No. 495555)  
Ann Mace (DC Bar No. 980845)  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, N.W.  
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Phone: (202) 624-2685  
Facsimile: (202) 628-5116

January 2, 2014

### CERTIFICATE OF SERVICE

I, Ann Mace, hereby certify that a true and correct copy of the foregoing "Broadcaster Claimants Group's Notice of Confidential Settlements" was sent on January 2, 2014, by overnight mail service to the persons on the service list below.

**Billy Graham Evangelistic Association**  
Edward S. Hammerman  
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5335 Wisconsin Ave., N.W., Suite 440  
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**Shopping Joint Petitioners**  
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arnie@lutzker.com

**Certain Devotional Claimants**  
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2300 N Street, NW  
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clifford.harrington@pillsburylaw.com  
matthew.maclean@pillsburylaw.com

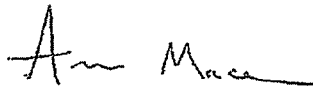
**Word of God Fellowship dba Daystar**  
Television Network  
Gregory H. Guillot  
Gregory H. Guillot, P.C.  
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**Joint Sports Claimants**  
Robert Alan Garrett  
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**Worldwide Subsidy Group LLC dba**  
Independent Producers Group  
Brian D. Boydston  
Pick & Boydston, LLP  
10786 Le Conte Avenue  
Los Angeles, CA 90024  
brianb@ix.netcom.com

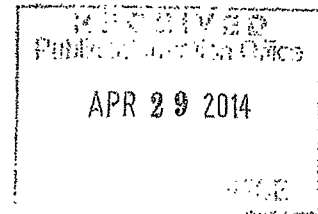
**Motion Picture Association of America, Inc.**  
Gregory Olaniran  
Lucy Plovnick  
Mitchell Silberberg & Knupp LLP  
1818 N Street, N.W., 8<sup>th</sup> Floor  
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**David Powell**  
P.O. Box 010950  
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Before the  
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Library of Congress  
Washington, D.C.



\_\_\_\_\_  
In the Matter of  
Distribution of 2004, 2005, 2006, 2007,  
2008, and 2009 Cable Royalty Funds  
\_\_\_\_\_

)  
)  
)  
) Docket No. 2012-6 CRB CD 2004-2009  
) (Phase II)  
)  
)

**NOTICE OF WITHDRAWAL OF JOINT PETITION  
OF THE NATIONAL ASSOCIATION OF BROADCASTERS  
TO PARTICIPATE IN PHASE II CABLE ROYALTY PROCEEDINGS  
REGARDING SYNDICATED DEVOTIONAL ROYALTIES**

The National Association of Broadcasters ("NAB") files this Notice of Withdrawal of the petition to participate in the above-referenced proceeding it filed on September 16, 2013 (as amended on October 15 and November 15, 2013) in response to the Notice issued by the Copyright Royalty Judges on August 16, 2013. 76 Fed. Reg. 50113 (August 16, 2013).

In light of the confidential settlement agreement entered between NAB and Settling Devotional Claimants regarding NAB-represented claimants' claims to Phase II Devotional Claimants royalties, no further controversy needs to be resolved with respect to such claims in this proceeding. This agreement completely resolves NAB's Phase II claims in this proceeding for cable royalties in the Devotional Claimants category, and NAB has no remaining unresolved controversies with respect to NAB-represented claimants' Phase II shares of the 2004-2009 cable royalties.

Respectfully submitted,

THE NATIONAL ASSOCIATION  
OF BROADCASTERS

By: 

John I. Stewart, Jr.

DC Bar No. 913905

Jennifer H. Burdman

DC Bar No. 495555

Ann Mace

DC Bar No. 980845

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Email: [jstewart@crowell.com](mailto:jstewart@crowell.com)

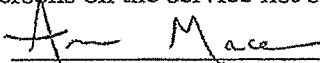
Phone: (202) 624-2685

Facsimile: (202) 628-5116

April 29, 2014

## CERTIFICATE OF SERVICE

I, Ann Mace, hereby certify that a true and correct copy of the foregoing "Notice of Withdrawal of Joint Petition of the National Association of Broadcasters to Participate in Phase II Cable Royalty Proceedings Regarding Syndicated Devotional Royalties" was sent on April 29, 2014, by email and Federal Express to the persons on the service list below.

  
\_\_\_\_\_

### **Billy Graham Evangelistic Association**

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### **Shopping Joint Petitioners**

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### **Certain Devotional Claimants**

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### **Word of God Fellowship dba Daystar Television Network**

Gregory H. Guillot  
Gregory H. Guillot, P.C.  
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gregory@guillot-law.com

### **Joint Sports Claimants**

Robert Alan Garrett  
Stephen K. Marsh  
Arnold & Porter LLP  
555 Twelfth Street, NW  
Washington, DC 20004  
Robert.Garrett@aporter.com  
Stephen.Marsh@aporter.com

### **Worldwide Subsidy Group LLC dba**

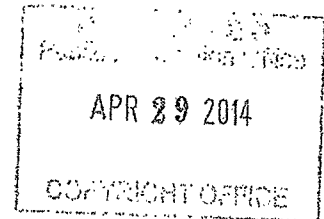
Independent Producers Group  
Brian D. Boydston  
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10786 Le Conte Avenue  
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brianb@ix.netcom.com

### **Motion Picture Association of America, Inc.**

Gregory Olaniran  
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lhp@msk.com



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In the Matter of  
Distribution of 1999, 2000, 2001, 2002,  
2003, 2004, 2005, 2006, 2007, 2008, and 2009  
Satellite Royalty Funds

)  
) Docket Nos. 2012-7 CRB SD  
) 2000-2009; 2008-5 CRB SD  
) 1999-2000  
) (Phase II)  
)

**NOTICE OF WITHDRAWAL OF  
JOINT PETITION TO PARTICIPATE OF THE  
BROADCASTER CLAIMANTS GROUP**

The Broadcaster Claimants Group ("BCG") files this Notice of Withdrawal of the "Joint Petition of the Broadcaster Claimants Group to Participate in Phase II Satellite Royalty Proceedings Regarding Syndicated Devotional and Program Supplier Royalties" it filed in this proceeding on September 16, 2013, as amended on September 18, October 15, and November 15, 2013.

In light of the confidential settlement agreements entered, respectively, between BCG and MPAA regarding BCG-represented claimants' claims to Phase II Program Suppliers royalties, and between BCG and Settling Devotional Claimants regarding BCG-represented claimants' claims to Phase II Devotional Claimants royalties, no further controversy needs to be resolved with respect to such claims in this proceeding. These agreements completely resolve BCG's Phase II claims in this proceeding for satellite royalties in the Program Suppliers and Devotional Claimants categories, and BCG has no remaining unresolved controversies with respect to BCG-represented claimants' Phase II shares of the 1999-2009 satellite royalties.

Respectfully submitted,

BROADCASTER CLAIMANTS GROUP

By:



John L. Stewart, Jr.

DC Bar No. 913905

Jennifer H. Burdman

DC Bar No. 495555

Ann Mace

DC Bar No. 980845

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Email: [jstewart@crowell.com](mailto:jstewart@crowell.com)

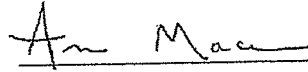
Phone: (202) 624-2685

Facsimile: (202) 628-5116

April 29, 2014

### CERTIFICATE OF SERVICE

I, Ann Mace, hereby certify that a true and correct copy of the foregoing "Notice of Withdrawal of Joint Petition to Participate of the Broadcaster Claimants Group" was sent on April 29, 2014, by email and Federal Express to the persons on the service list below.

  
\_\_\_\_\_

**Billy Graham Evangelistic Association**

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**Word of God Fellowship dba Daystar**

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**Joint Sports Claimants**

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**Worldwide Subsidy Group LLC dba**

Independent Producers Group  
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**Motion Picture Association of America, Inc.**

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Lucy Plovnick  
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Washington, DC

In the Matter of:

Distribution of the 2004, 2005, 2006, 2007,  
2008, and 2009 Cable Royalty Funds

Docket No. 2012-6 CRB CD 2004-2009  
(Phase II)

**NOTICE OF WITHDRAWAL OF PETITION TO PARTICIPATE IN PHASE II CABLE  
ROYALTY PROCEEDINGS, BY WORD OF GOD FELLOWSHIP, INC. D/B/A  
DAYSTAR TELEVISION NETWORK**

Word of God Fellowship, Inc. d/b/a Daystar Television Network ("Daystar"), by its attorney, herewith withdraws its *Petition to Participate*, filed on September 15, 2013 in the above-referenced proceeding, in response to the *Notice* issued by the Copyright Royalty Judges on August 16, 2013, 78 Fed. Reg. 50114 (Aug. 16, 2013). In view of a confidential settlement agreement between Daystar and the Settling Devotional Claimants concerning Daystar's claims to Phase II Devotional Claimants royalties, no further controversy remains to be resolved with respect to such claims in this proceeding, and Daystar relinquishes all of its interests in the 2004-2009 Funds.

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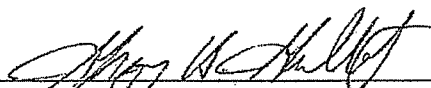
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///

///

RESPECTFULLY SUBMITTED:

Dated: May 6, 2014

By:   
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*Attorney for Word of God Fellowship d/b/a  
Daystar Television Network*

**CERTIFICATE OF SERVICE**

I, Gregory H. Guillot, do hereby certify that a true and correct copy of the foregoing document was sent by overnight delivery via U.S. Express Mail, and by electronic mail, on this 6th day of May, 2014, to each of the following:

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**Broadcaster Claimants Group**

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**MPAA-Represented Program Suppliers**

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**Billy Graham Evangelistic Association**

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[jarnot@bgca.org](mailto:jarnot@bgca.org)

**Shopping Joint Petitioners**

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\_\_\_\_\_  
Gregory H. Guillot



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Washington, DC

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In the Matter of:

Distribution of the 1999, 2000, 2001, 2002,  
2003, 2004, 2005, 2006, 2007, 2008, and  
2009 Satellite Royalty Funds

Docket Nos. 2012-7 CRB SD 2000-2009;  
2008-5 CRB SD 1999-2000 (Phase II)

**NOTICE OF WITHDRAWAL OF PETITION TO PARTICIPATE IN  
PHASE II SATELLITE ROYALTY PROCEEDINGS, BY WORD OF GOD  
FELLOWSHIP, INC. D/B/A DAYSTAR TELEVISION NETWORK**

Word of God Fellowship, Inc. d/b/a Daystar Television Network ("Daystar"), by its attorney, herewith withdraws its *Petition to Participate*, filed on September 15, 2013 in the above-referenced proceeding, in response to the *Notice* issued by the Copyright Royalty Judges on August 16, 2013, published at 78 Fed. Reg. 50114 (Aug. 16, 2013). In view of a confidential settlement agreement between Daystar and the Settling Devotional Claimants concerning Daystar's claims to Phase II Devotional Claimants royalties, no further controversy remains to be resolved with respect to such claims in this proceeding, and Daystar relinquishes all of its interests in the 1999-2009 Funds.

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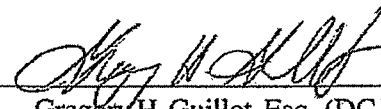
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RESPECTFULLY SUBMITTED:

Dated: May 6, 2014

By: \_\_\_\_\_



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Email: [gregory@guillot-law.com](mailto:gregory@guillot-law.com)

*Attorney for Word of God Fellowship d/b/a  
Daystar Television Network*

**CERTIFICATE OF SERVICE**

I, Gregory H. Guillot, do hereby certify that a true and correct copy of the foregoing document was sent by overnight delivery via U.S. Express Mail, and by electronic mail, on this 6th day of May, 2014, to each of the following:

**Independent Producers Group**

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Stephen K. Marsh  
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[Stephen.marsh@aporter.com](mailto:Stephen.marsh@aporter.com)

**Broadcaster Claimants Group**

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[jstewart@crowell.com](mailto:jstewart@crowell.com)

**Settling Devotional Claimants**

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Matthew J. MacLean  
Victoria N. Lynch  
Pillsbury Winthrop Shaw Pittman, LLP  
PO Box 57197  
Washington, DC 20036-9997  
[Clifford.Harrington@PillsburyLaw.com](mailto:Clifford.Harrington@PillsburyLaw.com)

**MPAA**

Gregory O. Olaniran  
Lucy Holmes Plovnick  
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**Billy Graham Evangelistic Association**

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**Shopping Joint Petitioners**

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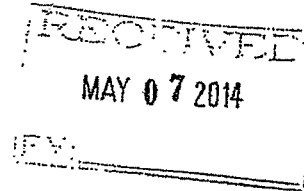
Gregory H. Guillot



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Washington, D.C.



In the Matters of )

Phase II Distribution of the 2004, )  
2005, 2006, 2007, 2008 and 2009 )  
Cable Royalty Funds )

Docket No. 2012-6  
CRB CD 2004-2009 (Phase II)

**NOTICE OF WITHDRAWAL**  
**OF BILLY GRAHAM EVANGELISTIC ASSOCIATION'S**  
**PETITION TO PARTICIPATE IN THE**  
**PHASE II CABLE ROYALTY PROCEEDINGS**  
**REGARDING DEVOTIONAL CLAIMANTS' ROYALTIES**

Billy Graham Evangelistic Association ("BGEA"), hereby submits its Notice of Withdrawal of its Petition to Participate in the above-referenced proceeding it filed on September 16, 2014 and amended on October 11, 2013, in response to the Notice issued by the Copyright Royalty Judges on August 16, 2013, 78 Fed. Reg. 50114 (Aug. 16, 2013).

In light of the confidential settlement agreement entered into between BGEA and the Settling Devotional Claimants to Phase II Devotional Claimants' royalties for years including 2004 through 2009 ("2004-2009 Funds"), no further controversy needs to be resolved with respect to BGEA's claims and the Settling Devotional Claimants'.

Respectfully submitted,

BILLY GRAHAM EVANGELISTIC ASSOCIATION



May 6, 2014

Edward S. Hammerman, Esq. (D.C. Bar No. 460506)  
Hammerman PLLC  
d/b/a Intermediary Copyright Royalty Services  
5335 Wisconsin Avenue, N.W., Suite 440  
Washington, DC 20015-2054  
Telephone: 202-6868-2887  
Facsimile: 202-318-5633  
E-Mail: ted@copyrightroyalties.com

*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of May 2014, a copy of the foregoing Notice of Withdrawal was sent by Federal Express standard overnight delivery or priority overnight mail to the parties listed below:

**BROADCASTER CLAIMANTS GROUP**

John I. Stewart, Jr.  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

**CERTAIN DEVOTIONAL CLAIMANTS**

Clifford H. Harrington  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
P.O. Box 57197  
Washington, D.C. 20036

**DAYSTAR TELEVISION NETWORK**

Gregory H. Guillot  
Gregory H. Guillot, P.C.  
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Dallas, Texas 75240

**INDEPENDENT PRODUCERS GROUP**

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PICK & BOYDSTON LLP  
10786 Le Conte Avenue  
Los Angeles, CA 90024

**JOINT SPORTS CLAIMANTS**

Robert A. Garrett  
Stephen K. Marsh  
ARNOLD & PORTER LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206

**MPAA-REPRESENTED PROGRAM  
SUPPLIERS**

Gregory O. Olaniran  
Lucy Holmes Plovnick  
MITCHELL SILBERBERG & KNUPP LLP  
1818 N Street, N.W., 8<sup>th</sup> Floor  
Washington, D.C. 20036



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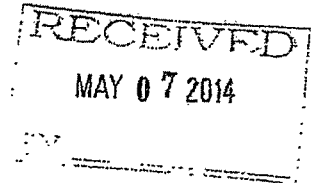
Edward S. Hammerman



**EXHIBIT 10**

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Washington, D.C.



In the Matters of )

Phase II Distribution of the 1999, )  
2000, 2001, 2002, 2003, 2004, )  
2005, 2006, 2007, 2008 and 2009 )  
Cable Royalty Funds )

Docket No. 2012-7  
CRB SD 1999-2009 (Phase II)

**NOTICE OF WITHDRAWAL**  
**OF BILLY GRAHAM EVANGELISTIC ASSOCIATION'S**  
**PETITION TO PARTICIPATE IN THE**  
**PHASE II SATELLITE ROYALTY PROCEEDINGS**  
**REGARDING DEVOTIONAL CLAIMANTS' ROYALTIES**

Billy Graham Evangelistic Association ("BGEA"), hereby submits its Notice of Withdrawal of its Petition to Participate in the above-referenced proceeding it filed on September 16, 2014 and amended on October 11, 2013, in response to the Notice issued by the Copyright Royalty Judges on August 16, 2013, 78 Fed. Reg. 50114 (Aug. 16, 2013).

In light of the confidential settlement agreement entered into between BGEA and the Settling Devotional Claimants to Phase II Devotional Claimants' royalties for relevant years including 2004 through 2009 ("2004-2009 Funds"), no further controversy needs to be resolved with respect to BGEA's claims and the Settling Devotional Claimants'.

Respectfully submitted,

BILLY GRAHAM EVANGELISTIC ASSOCIATION



May 6, 2014

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of May 2014, a copy of the foregoing Notice of Withdrawal was sent by Federal Express standard overnight delivery or priority overnight mail to the parties listed below:

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